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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,493	06/09/2005	Isamu Takahashi	1419.1117	7060
21171	7590	10/18/2007		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER PATEL, VIPIN	
			ART UNIT 2873	PAPER NUMBER
			MAIL DATE 10/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,493

Applicant(s)

TAKAHASHI, ISAMU

Examiner

Vipin M. Patel

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2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/9/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

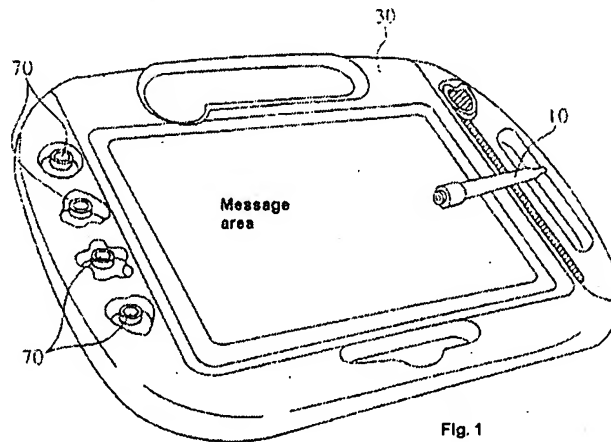
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohashi et al. (5820385) in view of Munoz et al. (6203717 B1)..

Regarding **clam 1**, Ohashi et al. discloses (see Fig. 1) A message figure (Abstract Line 1, Magnetic display apparatus) comprising: a magnetic display sheet (Abstract, Line 1) which includes plurality of microcapsules (Abstract, Line 2) encapsulating oily liquid (Abstract, Line 2-3), light-absorbing ferromagnetic powder (Abstract, Line 3), light-reflecting nonmagnetic powder (Abstract, Line 4) and anti-settling agent, and is adapted for making a drawing (Abstract, Line 5) or a writing of a character and the like from a front side of the magnetic display sheet by using a drawing tool having a magnet (Abstract Line 5-6), and for erasing the drawing or the writing from the front side of the magnetic display sheet by using an erasing tool having a magnet (Abstract, Line 4-5), the magnetic display sheet being attached to the figure (look like video screen).

Ohashi et al. does not disclose anti-settling agent but Munoz et al. (6203717 B1) discloses the anti-settling agent containing magnetic particles (Column 2, Line 10-15)

It would have been obvious to one of ordinary skill in the art at the time the invention was formed to provide anti-settling agent as disclosed by Munoz et al. into the Magnetic display apparatus of Ohashi et al that provides soft sediment once the magnetic particle settle out (Column 2 Line 10-15).



Regarding **claim 2** Ohashi et al., as stated in claim 1, discloses the message figure, wherein the magnetic display sheet (see Fig. 1) below constitutes part of an outline of the figure (Video screen).

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohashi et al. (5820385) in view of Munoz et al. (6203717 B1) and further in view of Murata et al. (4143472).

Regarding **claim 3**, Ohashi et al. as stated in claim 1, discloses A message figure set (Abstract line-1) comprising: a figure to which attached is a magnetic display sheet (Abstract, Line 1 message area) which includes a plurality of microcapsules (Abstract, Line 2) encapsulating oily liquid (Abstract, Line 2-3), light-absorbing ferromagnetic powder (Abstract, Line 3), light-reflecting nonmagnetic powder (Abstract, Line 4), the magnetic display sheet being adapted for front-drawing and front-erasing

(column-1, Line 22-25); a drawing tool which includes a magnet and is adapted for making a drawing (see fig. 1, 70 and 10) or a writing of a character and the like from a front side of the magnetic display sheet;

Ohashi et al. does not disclose anti-settling agent but Munoz et al. (6203717 B1) discloses the anti-settling agent containing magnetic particles (Column 2, Line 10-15).

It would have been obvious to one of ordinary skill in the art at the time the invention was formed to provide anti-settling agent as disclosed by Munoz et al. into the Magnetic display apparatus of Ohashi et al that provides soft sediment once the magnetic particle settle out (Column 2 Line 10-15).

Ohashi et al. does not disclose but Murata et al. (4143472)) discloses erasing tool that includes a magnet and is adapted for erasing the drawing or the writing from the front side of the magnetic display sheet (column 10, Line 5-19).

It would have been obvious to one of ordinary skill in the art at the time the invention was formed to provide writing/erasing pen as disclosed by Murata et al. into the Magnetic display apparatus of Ohashi et al that provides write and erase letters using one instrument (column 10, Line 5-19).

Regarding **claim 4**, Ohashi et al discloses as stated in claim 3, the message figure, wherein the magnetic display sheet constitutes part of an outline of the figure (video screen, see fig. 1).

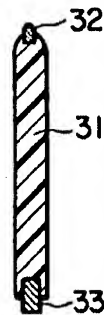
Regarding **claim 5** Ohashi et al. discloses the message figure

Ohashi et al. does not disclose but Murata et al. (4143472)) discloses, as stated in claim 3 (see fig 13), the erasing tool includes a rubbing portion (Column-10, Line 5-6,

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element 33) to rub a surface of the magnetic display sheet upon the erasing, and the rubbing portion is configured such that the magnet for the erasing is separated from the surface of the magnetic display sheet (Column 10, Line 5-14) by a predetermined distance upon the erasing.

It would have been obvious to one of ordinary skill in the art at the time the invention was formed to provide writing/erasing pen as disclosed by Murata et al. into the Magnetic display apparatus of Ohashi et al that provides write and erase letters using one instrument (column 10, Line 5-19).

FIG. 13

Regarding **claim 6**, Ohashi et al. discloses the message figure

Ohashi et al. does not disclose but Murata et al. discloses (See fig. 13) the drawing tool and the erasing tool are integrated to form a pen shape as a whole.

It would have been obvious to one of ordinary skill in the art at the time the invention was formed to provide writing/erasing pen as disclosed by Murata et al. into the Magnetic display apparatus of Ohashi et al that provides write and erase letters using one instrument (column 10, Line 5-19).

Regarding **claim 7** Ohashi et al. discloses the message figure

Ohashi et al. does not disclose but Murata et al. discloses (see fig. 13) the N and S poles of the magnet for the erasing are placed along the surface (one surface end, 13) of the magnet display sheet upon the erasing.

Regarding **claim 8**, Ohashi et al. discloses the message figure.

Ohashi et al. does not disclose but Murata et al. discloses (see fig. 13) wherein the erasing tool (31) includes a rubbing portion (33) to run a surface of the magnetic display sheet upon the erasing, and the rubbing portion is configured such that the magnet for the erasing is separated from the surface of the magnetic display sheet by a predetermined distance (length of the pen) upon the erasing.

It would have been obvious to one of ordinary skill in the art at the time the invention was formed to provide writing/erasing pen as disclosed by Murata et al. into the Magnetic display apparatus of Ohashi et al that provides write and erase letters using one instrument (column 10, Line 5-19).

Regarding **claim 9-10**, Ohashi et al. discloses the message figure

Ohashi et al. does not disclose but Murata et al. discloses (See fig. 13) the drawing tool and the erasing tool are integrated to form a pen shape as a whole.

It would have been obvious to one of ordinary skill in the art at the time the invention was formed to provide writing/erasing pen as disclosed by Murata et al. into the Magnetic display apparatus of Ohashi et al that provides write and erase letters using one instrument (column 10, Line 5-19).

Regarding **claim 11-16** Ohashi et al. discloses the message figure

Ohashi et al. does not disclose but Murata et al. discloses (see fig. 13) the N and S poles of the magnet for the erasing are placed along the surface (one surface end, 13) of the magnet display sheet upon the erasing.

It would have been obvious to one of ordinary skill in the art at the time the invention was formed to provide writing/erasing pen as disclosed by Murata et al. into the Magnetic display apparatus of Ohashi et al that provides write and erase letters using one instrument (column 10, Line 5-19).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Oshi et al. (5674104 and 5820385) and Munoz et al. (6203,717 B1) Murata et al. (4143472).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vipin M. Patel whose telephone number is (571) 270-1742. The examiner can normally be reached on Monday through Friday, 7:30AM to 5:00PM E.S.T..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

VP

Vipin Patel
10/15/2007


RICKY MACK
SUPERVISORY PATENT EXAMINER